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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

THE HERSHEY COMPANY and  
HERSHEY CHOCOLATE &  
CONFECTIONERY COPRORATION,

Plaintiffs/Counterclaim Defendants,

v.

PROMOTION IN MOTION, INC.,

Defendant/Counterclaim Plaintiff.

Civil Action No. 07-CV-1601 (SDW)

**ORDER**

January 18, 2013

**WIGENTON**, District Judge.

Before the Court are trademark infringement and trademark dilution claims, and request for cancellation by the plaintiffs, The Hershey Company and Hershey Chocolate & Confectionary Corporation (collectively “Plaintiff”), against defendant Promotion in Motion, Inc. (“Defendant”) pursuant to 15 U.S.C. §§ 114(1)(a), 1125(a), (c), and §1119.

A five-day bench trial was held from November 14, 2011 to November 18, 2011. For the reasons set forth in this Court’s Opinion dated January 18, 2013, this Court will enter judgment in favor of Defendant regarding claims of trademark infringement and dilution, and unfair competition or false designation, but judgment is for Plaintiff with regard to the lack of bona fide use and Defendant’s mark is subject to cancellation.

**SO ORDERED.**

s/ Susan D. Wigenton, U.S.D.J.

Orig: Clerk  
cc: Parties  
Magistrate Judge Arleo